



General Assembly

Substitute Bill No. 869

January Session, 2019



**AN ACT CONCERNING RECOMMENDATIONS BY THE
CONNECTICUT AIRPORT AUTHORITY REGARDING NONBUDGETED
EXPENDITURES, THE CONNECTICUT AIRPORT AND AVIATION
ACCOUNT AND THE SECURITY EXEMPTION UNDER THE FREEDOM
OF INFORMATION ACT.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (b) of section 15-120dd of the general statutes
2 is repealed and the following is substituted in lieu thereof (*Effective*
3 *from passage*):

4 (b) Notwithstanding the provisions of subdivision (3) of subsection
5 (a) of this section, the board of directors may authorize the executive
6 director to make nonbudgeted expenditures of up to [five hundred
7 thousand] one million dollars without prior board approval (1) to
8 restore operations at any airport owned or operated by the authority, if
9 such airport or the equipment of such airport is damaged as a result of
10 a natural disaster or incurs a substantial casualty loss that results in an
11 unsafe condition, or (2) where the failure to act would result in a
12 disruption of airport operations. Not later than twenty-four hours after
13 the executive director makes such nonbudgeted expenditure, the
14 executive director shall provide notification to the chairperson or vice
15 chairperson of the board of the amount of, and reason for, such
16 expenditure.

17 Sec. 2. Section 13b-50c of the general statutes is repealed and the
18 following is substituted in lieu thereof (*Effective from passage*):

19 (a) There is established an account to be known as the "Connecticut
20 airport and aviation account" which shall be a separate, nonlapsing
21 account within the Grants and Restricted Accounts Fund established
22 pursuant to section 4-31c. The account shall contain any moneys
23 required by law to be deposited in the account. [Moneys in the account
24 shall be expended by the Commissioner of Transportation, with the
25 approval of the Secretary of the Office of Policy and Management, for
26 the purposes of airport and aviation-related purposes.]

27 (b) Notwithstanding the provisions of section 13b-61a, on and after
28 the effective date of this section, the Commissioner of Revenue
29 Services shall deposit into said account seventy-five and three-tenths
30 per cent of the amounts received by the state from aviation fuel
31 sources from the tax imposed under section 12-587.

32 (c) Moneys in said account shall be transferred, in an amount and
33 frequency as is mutually agreed to by the Commissioner of Revenue
34 Services and the executive director of the Connecticut Airport
35 Authority established pursuant to section 15-120bb, to an account
36 established by said authority, which shall expend such moneys for
37 airport and aviation-related purposes.

38 Sec. 3. Subdivision (19) of subsection (b) of section 1-210 of the
39 general statutes is repealed and the following is substituted in lieu
40 thereof (*Effective October 1, 2019*):

41 (19) Records when there are reasonable grounds to believe
42 disclosure may result in a safety risk, including the risk of harm to any
43 person, any government-owned or leased institution or facility or any
44 fixture or appurtenance and equipment attached to, or contained in,
45 such institution or facility, except that such records shall be disclosed
46 to a law enforcement agency upon the request of the law enforcement
47 agency. Such reasonable grounds shall be determined (A) (i) by the

48 Commissioner of Administrative Services, after consultation with the
49 chief executive officer of an executive branch state agency, with respect
50 to records concerning such agency; and (ii) by the Commissioner of
51 Emergency Services and Public Protection, after consultation with the
52 chief executive officer of a municipal, district or regional agency, with
53 respect to records concerning such agency; (B) by the Chief Court
54 Administrator with respect to records concerning the Judicial
55 Department; [and] (C) by the executive director of the Joint Committee
56 on Legislative Management, with respect to records concerning the
57 Legislative Department; and (D) by the executive director of the
58 Connecticut Airport Authority, with respect to records concerning the
59 Connecticut Airport Authority. As used in this section, "government-
60 owned or leased institution or facility" includes, but is not limited to,
61 an institution or facility owned or leased by a public service company,
62 as defined in section 16-1, other than a water company, as defined in
63 section 25-32a, a certified telecommunications provider, as defined in
64 section 16-1, or a municipal utility that furnishes electric or gas service,
65 but does not include an institution or facility owned or leased by the
66 federal government, and "chief executive officer" includes, but is not
67 limited to, an agency head, department head, executive director or
68 chief executive officer. Such records include, but are not limited to:

- 69 (i) Security manuals or reports;
- 70 (ii) Engineering and architectural drawings of government-owned
71 or leased institutions or facilities;
- 72 (iii) Operational specifications of security systems utilized at any
73 government-owned or leased institution or facility, except that a
74 general description of any such security system and the cost and
75 quality of such system may be disclosed;
- 76 (iv) Training manuals prepared for government-owned or leased
77 institutions or facilities that describe, in any manner, security
78 procedures, emergency plans or security equipment;

79 (v) Internal security audits of government-owned or leased
80 institutions or facilities;

81 (vi) Minutes or records of meetings, or portions of such minutes or
82 records, that contain or reveal information relating to security or other
83 records otherwise exempt from disclosure under this subdivision;

84 (vii) Logs or other documents that contain information on the
85 movement or assignment of security personnel; and

86 (viii) Emergency plans and emergency preparedness, response,
87 recovery and mitigation plans, including plans provided by a person
88 to a state agency or a local emergency management agency or official.

89 Sec. 4. Subdivision (24) of subsection (b) of section 1-210 of the
90 general statutes is repealed and the following is substituted in lieu
91 thereof (*Effective October 1, 2019*):

92 (24) Responses to any request for proposals or bid solicitation issued
93 by a public agency, responses by a public agency to any request for
94 proposals or bid solicitation, or any record or file made by a public
95 agency in connection with the contract award process, until such
96 contract is executed or negotiations for the award of such contract have
97 ended, whichever occurs earlier, provided the chief executive officer of
98 such public agency certifies that the public interest in the disclosure of
99 such responses, record or file is outweighed by the public interest in
100 the confidentiality of such responses, record or file;

101 Sec. 5. Subsection (d) of section 1-210 of the general statutes is
102 repealed and the following is substituted in lieu thereof (*Effective*
103 *October 1, 2019*):

104 (d) Whenever a public agency, except the Judicial Department, [or]
105 Legislative Department or Connecticut Airport Authority, receives a
106 request from any person for disclosure of any records described in
107 subdivision (19) of subsection (b) of this section under the Freedom of
108 Information Act, the public agency shall promptly notify the

109 Commissioner of Administrative Services or the Commissioner of
 110 Emergency Services and Public Protection, as applicable, of such
 111 request, in the manner prescribed by such commissioner, before
 112 complying with the request as required by the Freedom of Information
 113 Act. If the commissioner, after consultation with the chief executive
 114 officer of the applicable agency, believes the requested record is
 115 exempt from disclosure pursuant to subdivision (19) of subsection (b)
 116 of this section, the commissioner may direct the agency to withhold
 117 such record from such person. In any appeal brought under the
 118 provisions of section 1-206 of the Freedom of Information Act for
 119 denial of access to records for any of the reasons described in
 120 subdivision (19) of subsection (b) of this section, such appeal shall be
 121 against the chief executive officer of the executive branch state agency
 122 or the municipal, district or regional agency that issued the directive to
 123 withhold such record pursuant to subdivision (19) of subsection (b) of
 124 this section, exclusively, or, in the case of records concerning Judicial
 125 Department facilities, the Chief Court Administrator or, in the case of
 126 records concerning the Legislative Department, the executive director
 127 of the Joint Committee on Legislative Management, or, in the case of
 128 records concerning the Connecticut Airport Authority, the executive
 129 director of the Connecticut Airport Authority.

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| This act shall take effect as follows and shall amend the following sections: | | |
| Section 1 | <i>from passage</i> | 15-120dd(b) |
| Sec. 2 | <i>from passage</i> | 13b-50c |
| Sec. 3 | <i>October 1, 2019</i> | 1-210(b)(19) |
| Sec. 4 | <i>October 1, 2019</i> | 1-210(b)(24) |
| Sec. 5 | <i>October 1, 2019</i> | 1-210(d) |

TRA *Joint Favorable Subst.*